

EW
DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hiroteru TSUCHIYA

Title: IMAGE TRANSMISSION DEVICE AND INFORMING
METHOD THEREOF

Appl. No.: 10/077,891

Filing Date: 2/20/2002

Examiner: Stephen M. BRINICH

Art Unit: 2625

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Notice of Abandonment dated March 19, 2007. Applicant believes that no fee is due in connection with this Petition to Withdraw Holding of Abandonment. However, the Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741.

The Notice of Abandonment states that the application is abandoned for applicant's failure to timely file corrected drawings. A timeline of events is provided.

November 17, 2006 A Notice of Allowance was mailed by the U.S. Patent and Trademark Office. In the November 17, 2006 Notice of Allowability, it is indicated that corrected drawings must be submitted.

December 6, 2007 The Notice of Allowance and drawings were reviewed by applicant's representative. It was noted that corrected drawings were not needed. The undersigned's legal assistant, Ms. Yuko Harris spoke with Examiner Brinich on the telephone.

Examiner Brinich agreed that corrected drawings were not required and that he would send a Supplemental Notice of Allowability via facsimile to Ms. Harris. Examiner Brinich faxed a new Notice of Allowability in which the corrected drawings box was not checked. A copy of the faxed December 6, 2007 Notice of Allowability is provided herewith.

February 15, 2007 Applicant's representative timely paid the Issue Fee and Publication Fee. The attached documents evidence this payment. No corrected drawings were filed pursuant to the Notice of Allowability faxed on December 6, 2006 and it was agreed between applicant's representative and Examiner Brinich that no corrected drawings were due.

March 19, 2007 The U.S. Patent and Trademark Office mailed a Notice of Abandonment for applicant's failure to file corrected drawings.

Upon receipt of the Notice of Abandonment, a review of the official file via the Patent Application Information Retrieval (PAIR) website was made. The December 6, 2006 Notice of Allowability faxed by Examiner has not been entered into the electronic file. Nevertheless, it has been officially communicated from the Patent Office on December 6, 2006 at 1:42 PM (according to the facsimile transmission cover sheet) and should be of record.

In view of the above facts, applicant submits that corrected formal drawings were not and are still not required. The holding of abandonment should be withdrawn. Further, in view that all items, including the payment of the Issue Fee and Publication Fee, have been met by applicant, that the application be issued as a patent in an expedited manner.

Respectfully submitted,

Date APR 19 2007

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888

TO: 10077891 COMPANY:

**Notice of Allowability**

Application No.

10/077,891

Examiner

Stephen M. Brinich

Applicant(s)

TSUCHIYA, HIROTERU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt filed 8/25/06.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

TO: 10077891 COMPANY:

**Patent Technology Centers****Facsimile Transmission**

To: Name: 10077891
 Company:
 Fax Number: 2026725399
 Voice Phone:

From: Name: Stephen Brinich
 Official Fax Number: (571) 273-8300
 Official After Final Fax Number: (571) 273-8300
 Voice Phone: 5712727430

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Date and time of transmission: Wednesday, December 06, 2006 1:42:28 PM
Number of pages including this cover sheet: 02

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or **Fax** (571)-273-2885

COPY

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence regarding the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22428 7590 11/17/2006

FOLEY AND LARDNER LLP
 SUITE 500
 3000 K STREET NW
 WASHINGTON, DC 20007

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,891	02/20/2002	Hiroteru Tsuchiya	016907-1374	3110

TITLE OF INVENTION: IMAGE TRANSMISSION DEVICE AND INFORMING METHOD THEREOF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	02/20/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
BRINICH, STEPHEN M	2625	358-001150

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 FOLEY & LARDNER LLP

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

KABUSHIKI KAISHA TOSHIBA
 TOSHIBA TEC KABUSHIKI KAISHA

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Tokyo, JAPAN
 Tokyo, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 19-0741 (enclose an extra copy of this form).

5. Change In Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Typed or printed name

Pavan K. Agarwal
 Pavan K. Agarwal

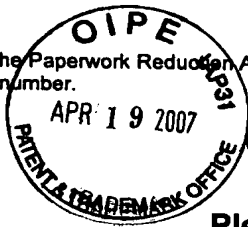
Date February 15, 2007

Registration No. 40,888

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



United States Patent and Trademark Office

COPY

Credit Card Payment Form

Please Read Instructions before Completing this Form

Credit Card Information

Credit Card Type: ☒ Visa ☐ MasterCard ☐ American Express ☐ Discover

Credit Card Account #: [REDACTED] 9003

Credit Card Expiration Date: 11/30/2008

Name as it Appears on Credit Card: Glenn Law

Payment Amount: \$ (US Dollars): \$1,700.00

Cardholder Signature: [Signature]

Date: February 15, 2007

Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The office will not refund amounts of \$25.00 or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR § 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.

Service Charge: There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR § 1.21 (m)).

Credit Card Billing Address

Street Address 1: Washington Harbour

Street Address 2: 3000 K Street NW, Suite 500

City: Washington

State/Province: D.C.

Zip/Postal Code: 20007-5143

Country: U.S.A

Daytime Phone #: (202) 672-5300

Fax #: (202) 672-5399

Request and Payment Information

Description of Request and Payment Information:
Issue & Publication Fee

<input checked="" type="checkbox"/> Patent Fee	<input type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No. 10/077,891	Application No.	Application No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. 016907-1374		Identity or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

COPY

THE U.S. PATENT AND TRADEMARK OFFICE OFFICIAL MAILROOM STAMP
AFFIXED HERETO ACKNOWLEDGED RECEIPT OF THE ITEMS CHECKED

BELOW:

Via Hand Delivery

Title: IMAGE TRANSMISSION DEVICE AND INFORMING METHOD THEREOF

Inventor(s): Hiroteru TSUCHIYA

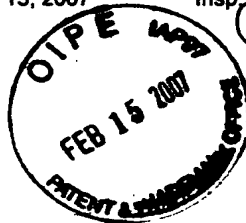
Appl. No.: 10/077,891

Dkt. No. 016907-1374

- Issue Fee Transmittal Form PTOL-85(B) (1 pg.);
- Credit Card Payment Form for \$1,700.00 (1 pg.).

Due Date: February 17, 2007
Date Filed: February 15, 2007

Attorney Initials: PKA/gsd/rgf
Insp. By: 



LD
30888 CER

